

COMMISSIONERS PROCEEDINGS  
NOVEMBER 4, 2003  
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Morris, Stanton, and Pridemore, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

BID AWARD 2347

Reconvened a public hearing for Bid Award 2347 – Annual Clark County Fairgrounds Electronic Message Center. Mike Westerman, General Services, re-read a memo from General Services requesting that Bid 2347 be awarded to the lowest responsive bidder. There being no public comment, **MOVED** by Stanton to award Bid 2347 to Ramsey Signs of Portland, Oregon in the total bid amount of \$116,324.00 including Washington State Sales tax and grant authority to the County Administrator to sign all bid related contracts. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

BID AWARD 2349

Reconvened a public hearing for Bid Award 2349 – Annual Uniform Cleaning. Mike Westerman, General Services, read a memo from General Services requesting that Bid 2349 be awarded to the sole bidder. There being no public comment, **MOVED** by Morris to award Bid 2349 to Supreme Dry Cleaners of Vancouver, Washington in the total bid amount of \$82,179.41 including Washington State Sales tax and grant authority to the County Administrator to sign all bid related contracts. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

PUBLIC COMMENT

*Bridget Schwarz*, 2110 NW 179<sup>th</sup> Street, Ridgefield, commented on the issue of the convention center and Fairgrounds redevelopment. Ms. Schwarz stated that there were rumored reports that the Commissioners would be allowing the amphitheater lease payments to be dedicated to the Fairgrounds redevelopment project. She expressed enthusiasm in response to the rumor. She said, however, that the lease revenues only pay about 56% of the cost of the projects included in the master plan. Schwarz stated that according to citizen input gathered from recent surveys regarding the amphitheater lease and Public Facilities District, it was very clear about where the rest of the money could come from. Schwarz reiterated their support in using the money for the Fairgrounds rather than the convention center.

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*Pridemore* said they were currently in discussions with the City of Vancouver regarding putting together a package that would allow them to do both. He said in regards to the rumor about amphitheater revenues, right now the direction from the Board is that it be directed towards the Fairgrounds improvements.

CONSENT AGENDA

There being no public comment, **MOVED** by Morris to approve items 1 through 9.  
Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

PUBLIC MEETING: APL2002-00010 – COURTNEY PIT

Held a public meeting to consider an appeal of the Clark County Land Use Hearing Examiner's decision regarding an appeal by Willis Waldow of the conditions of approval of an administrative decision recognizing a rock mining and crushing business as a legal nonconforming use.

The Board received no oral or written comment at this meeting.

Commissioner Stanton certified reading the record.

Commissioner Morris certified reading the record; however, she excused herself from the appeal. She explained that she had been involved with the issue quite early on and it was necessary for her to decline being a part of the discussion, unless absolutely required that she do so.

Commissioner Pridemore certified reading the record.

Commissioners Pridemore and Stanton followed the staff report for their discussion. The issues identified were: Expansion of the Existing Mine; Site Plan Review Requirement; Lead Agency for SEPA; Redundant Regulation; Status of Current Use; and Qualified Staff.

*Stanton* said the first error in the appeal letter alleges that to consider the expansion of the existing mine a modification of the current use is inaccurate; that expansion is not a modification of the use. She said that in her reading of what the Hearings Examiner determined, as well as her own knowledge of the code, it's clear that an expansion is a modification of the current use. It is new development and, therefore, new development means that a site plan development is required through a Type II review (CCC 18.329.040). She said she can't find where the Hearings Examiner erred on that question.

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*Pridemore* agreed. He said he didn't see anything there. In fact, the code is specifically clear that this refers to mining operations. *Pridemore* moved onto issue #2 – Site Plan Review Requirement.

*Stanton* said the requirement for a site plan review is a challenge as to whether or not they have any local review – does SEPA or DNR also have review, and is this redundant. The question about site plan review at the local level is to determine whether the proposed development complies with local ordinances. Clearly, site plan review is required in order to determine whether the proposed development of the land meets the local ordinances.

*Pridemore* said a distinction was made regarding the SEPA process and that DNR has a lead agency role for the SEPA process, but does not have a lead role for site plan review. He said that although the assertion is made that the SEPA process takes all of those things into account that is not in fact the case. The site plan review process is still required per County Code.

*Stanton* added that the letter states that "...regulations adopted under this subsection may not prohibit uses legally existing on any parcel." *Stanton* said she put the emphasis on "existing" because it has to do with the existing use, which is mining on a portion of the property. She said the appellant put the emphasis on "parcel" but the question is whether or not they are interfering with the continued use. She said it is clear that there is no move to change the use on the existing mining area. The question in front of the Board has to do with any expansion of the area. That's where the site plan review would be required. *Stanton* referred to issue #3 – Lead Agency for SEPA. She said that in addition to the SEPA process, it's clear that DNR is the lead on the reclamation piece of it, but not the lead in determining whether or not this expansion of a use would comply with local ordinances.

*Pridemore* said that *Stanton*'s point regarding the existing use versus the extended use is very important; that the actions...the site plan review, as well as the conditional use permit, is not required for the existing use of the mine, but is for the expansion of the mine – that is where appropriate county regulations kick into place and the site plan and conditional use permit can be required. *Pridemore* then moved onto issue #4 – Redundant Regulation.

*Stanton* said that it goes back to the question of "who does what?" and DNR being the lead on the reclamation piece of it, but not on the current or proposed operation in which the county has the lead in determining whether or not it will meet the local ordinances. She said it's not redundant review, but rather two separate activities – review of the reclamation proposal and review of the mining operation.

*Pridemore* agreed and then moved onto issue #5 – Status of Current Use.

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*Stanton* said they already agreed that expansion is a modification of the current use of the land that's outside the part that's already being mined. Therefore, it is new development.

*Pridemore* moved onto issue #6 – Qualified Staff. He said the general assertion is that staff is not qualified as miners. He said, however, that staff are experts in the zoning issues and site plan review and that's what is required in this case.

*Stanton* referred to issue #8, which was the question regarding the crusher and whether or not it should require any additional permits. She pointed out that it would not require any additional permits unless it was moved.

*Pridemore* said that was correct and that was what the Hearings Examiner found. *Pridemore* said the bottom line was that the existing use is fine; that it would not require site plan review or that the rock crusher would require conditional use permit if it were to stay where it is. He added, however, that any change in use would require a site plan review and conditional use permit.

*Stanton* verified that a site plan review would be for the mining operation and a conditional use permit for the rock crusher. She said she was in agreement and added that she didn't think that the Hearings Examiner had made an error in his decision.

**MOVED** by *Stanton* to uphold the Hearings Examiner's decision in the matter regarding the Courtney Pit Appeal – 2002-00010. Commissioners *Pridemore* and *Stanton* voted aye. Motion carried. (See Tape 44)

PUBLIC HEARING: YEAR 2003 DOCKETS

Held a public hearing to consider the 2003 Docket items.

*Sandra Towne*, Department of Community Development, presented background information regarding the Year 2003 Dockets. She summarized that this process allows for county-initiated changes based upon suggestions received from public and private parties. *Towne* said that this year the county had received 85 requests and that staff docketed the requests and the Board reviewed them during the work session of November 9, 2003. She said it was determined that 14 requests, including the school districts' updates or re-adoption of Capital Facilities Plans described in the staff report, should be forwarded to the Planning Commission for consideration. The Director of Community Development has added one docket to the original 14 – the update to the Priority Habitat and Species Mapping. She said that staff had provided a recommendation to the Planning Commission regarding each docket based on criteria and guidelines of Clark County Code, consistency with the Growth Management Act, countywide

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planning policies, community framework plan, and the policies and goals of the county's 20-year Comprehensive Plan, as well as applicable Capital Facilities Plans. Towne referred the Board to the Summary of Recommendations tab of their books. She then introduced Oliver Orjiako to present the first docket item.

DOCKET 2003-041 – Amendment to Definition of Country Inn

*Oliver Orjiako*, Department of Community Development, stated that the amendment would add a new definition of country inn as an event facility in the code. That amendment would impact the rural center and rural district, and the conditional use section of the two codes. He said they defined *country inn of historic significance* to mean a structure under 10,000 sq.-ft. in size located in a rural center or district, with facilities for weddings, meetings, banquets and conferences. He further explained. Orjiako said that they reviewed the definition with the property owners and there was no opposition. He also stated that the Planning Commission unanimously recommended approval to the Board.

*David Ward*, Landerholm Law Office, 915 Broadway, Vancouver, stated that he was representing George Miller, the owner of Summer Grove Lodge. He added that the preliminary requirement would be that country inn's are on the county's historical register. Mr. Ward said they weren't talking about new structures. He further explained.

[Interruption in tape]

*Ward* stated that overall he felt this was a good thing for the county and that it should encourage more people to get on the register.

*Morris* commented that there was good history with that particular inn.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-041. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-056 – Kimsey, Doug

*Towne* referred to a map and explained that the request from the applicant was that their property is split-zoned. She said staff had originally proposed that the red section to the south be R1-10, except for the little nose that touches 36<sup>th</sup> Avenue in order to keep it a solid C-3 commercial use. She said the Planning Commission voted 3-2 to change the entire parcel to R1-10, not leaving the small C-3 nose. Towne further explained.

*Pridemore* asked if staff's recommendation was to keep the nose at C-3.

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*Towne* said no. She said the Planning Commission had determined that the size of the parcel was not viable for it to remain C-3.

*Doug Kimsey*, Auditor's Office, stated that he owns that piece and there is a house there that goes through the middle of the existing C-3 and that is why they made application. He offered further clarification to the Board if needed.

There being no further public comment, **MOVED** by Stanton to approve the Planning Commission's recommendation regarding Docket Item 2003-056. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-040A

*Towne* presented. She said the full picture is to make everything consistent – to re-designate the public facility to Urban Low; to rezone the R-5 portion to R1-10; and to re-designate the southern parcel from Urban Medium to Urban Low.

*David Ward*, Landerholm Law Office, pointed out that there was a correction to the staff report and clarified that there were actually two parcels and the numbers were a bit different.

*Towne* explained that the staff recommendation was the northern parcel – the PF parcel.

*Ward* interjected that there has already been an approved PUD on the project so changing it from PF to Urban Low really wouldn't make any difference.

*Towne* continued, stating that there are two parcels and the north is designated PF, and also split-zoned – very confusing. She referenced a map and further explained. She said the large parcel to the north is split-zoned on the eastern portion and so they have R1-10 to the west and R-5 to the east. They are re-designating the R-5 portion of that parcel to be R1-10 – that's one change. She the second change would be to the same northern parcel and they are recommending re-designation from PF to UL. That was the difference from the Planning Commission and staff. She further explained.

There being no public comment, **MOVED** by Morris to approve the Planning Commission's recommendation regarding Docket Item 2003-040A. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-063 – Priority Habitats and Species Mapping

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*Towne* stated that staff was recommending approval to amend the Clark County Priority Habitat Species Mapping, based on the Washington Department of Fish and Wildlife's newly generated map to remove the large species area currently in place over most of eastern Clark County. She said the deletion of the species area reflects a statewide policy shift regarding the management of deer in this area. She further explained. *Towne* stated that the Planning Commission recommended approval 6-0 to remove the large green area to the east.

There being no public comment, **MOVED** by Stanton to approve Docket Item 2003-063. Commissioners Pridemore, Morris, and Stanton voted aye. (See Tape 44)

REVISED DOCKET 2003-058 – Columbia River Gorge Code

*Towne* explained that the revision amends Title 40 and includes a sentence from Title 40 that was inadvertently left out of Title 40.

*Pridemore* asked if this would fix that.

*Towne* said it would.

*Stanton* asked if the difference between the staff recommendation before them now as opposed to the one in the book is that corrections have been made specific to Title 40.

*Towne* said yes. She further explained that the Planning Recommendation was 6-0, for Title 18 rather than Title 40.

*Pridemore* suggested approval of the docket item with appropriate references to Title 40.

There being no public comment, **MOVED** by Morris approve the Planning Commission's recommendation of the revised Docket Item 2003-058 – Amendments to Title 40, Section 40.240.010, Purpose and Authority rather than Title 18. Commissioners Pridemore, Morris, and Stanton voted aye. (See Tape 44)

DOCKET 2003-059 – Arterial Atlas Amendment Highway 99

*Michael Mabry*, Department of Community Development, presented.

*Pridemore* stated that he didn't want to imply that a possible future high capacity transit along the corridor could never happen by making the arterial atlas change.

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*Stanton* added that she understood that they weren't giving up any right-of-way by taking this action.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-059. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)



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DOCKET 2003-047 – Battle Ground School District Capital Facilities Plan

*Towne* presented. She stated that Battle Ground School District has submitted an updated Capital Facilities Plan and a proposal for an impact fee increase for single family units from \$1,400 to \$3,000, and for multi-family units from \$560 to \$1,000. She said the Planning Commission recommend approval by a 5-0 vote.

*Cara* spoke on behalf of the Consortium of Clark County School Districts, with the exception of Green Mountain School District. She respectfully requested that the Board accept the Planning Commission's recommendation. She further explained.

*Pridemore* asked for clarification regarding the Town of Yacolt – they had not approved the fees.

*Cara* said she did not represent them. She said that generally each jurisdiction is independent of the other.

*Pridemore* asked *Towne* if she was aware of that decision.

*Lynn Hicks*, Battle Ground School District, stated that she had been to the Town of Yacolt twice in order to speak with their city council – once to present the increase in impact fees, in which they took no action at that time. She said if they approved or disapproved, it was without the School District's knowledge. She further explained.

*Pridemore* said that it seemed that they should proceed and that Battle Ground School District would have to continue to work with Yacolt to insure equity across the jurisdictions.

There being no public comment, **MOVED** by Stanton to approve of Docket Item 2003-047. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-048 – Camas School District Capital Facilities Plan

*Towne* stated that Camas School District was suggesting an impact fee increase for single family from \$2,000 to \$2,500; and multi-family units from \$500 to \$1,000.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-048. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

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DOCKET 2003-051 – Hockinson School District Capital Facilities Plan

*Towne* said that Hockinson School District was actually decreasing their single family fee from \$1,200 to \$328; and increasing multi-family units from \$0 to \$649.

*Cara* explained.

There being no public comment, **MOVED** by Stanton to approve Docket Item 2003-051. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-053 – Ridgefield School District Capital Facilities Plan

*Towne* explained that Ridgefield School District lowered their single-family from \$3,701 to \$3,558 and have increased multi-family unit fees from \$908 to \$1,426.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-053. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-055 – Washougal School District Capital Facilities Plan

*Towne* stated that Washougal School District submitted an update to the Capital Facilities Plan and changes in impact fees as follows – an increase in single-family units from \$3,188.52 to \$3,270.22; and a decrease in multi-family units from \$1,379.20 to \$968.89.

There being no public comment, **MOVED** by Stanton to approve Docket Item 2003-055. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-049 – Evergreen School District Capital Facilities Plan

*Towne* said that the Evergreen School District has submitted an update of the Capital Facilities Plan, but no proposal to change impact fees.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-049. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-050 – Green Mountain School District Capital Facilities Plan

*Towne* explained that Green Mountain School District is seeking re-adoption of its current Capital Facilities Plan and there is no proposal to change impact fees.

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There being no public comment, **MOVED** by Stanton to approve Docket Item 2003-050. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-052 – La Center School District Capital Facilities Plan

*Towne* stated that La Center School District has submitted an updated Capital Facilities Plan, but no proposal to change impact fees.

There being no public comment, **MOVED** by Morris to approve Docket Item 2003-052. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

DOCKET 2003-054 – Vancouver School District Capital Facilities Plan

*Towne* stated that the Vancouver School District has submitted an updated Capital Facilities Plan, but no proposal to change impact fees.

There being no public comment, **MOVED** by Stanton to approve Docket Item 2003-054. Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 44)

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*The Board of County Commissioners' adjourned and convened as the Board of Health.*

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There were no agenda items.

*Adjourned*

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*2 p.m. Bid Opening*

Present at the Bid Openings:

Louise Richards, Clerk of the Board; Mike Westerman, General Services; and Priscilla Ricci, General Services

BID OPENING 2348

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Held a public hearing for Bid Opening 2348 – Annual Tax Statement Printing & Distribution. Mike Westerman, General Services, opened and read bids. Westerman said it was their intention to award Bid 2348 on November 18, 2003, at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6<sup>th</sup> Floor. (See Tape 45)

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BOARD OF COUNTY COMMISSIONERS

Craig A. Pridemore/s/  
Craig A. Pridemore, Chair

Betty Sue Morris/s/  
Betty Sue Morris, Commissioner

Judie Stanton, Commissioner

ATTEST:

Louise Richards/s/  
Clerk of the Board

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